

OFFICIAL COPY

Fresno, California

June 26, 2001

The City Council met in joint session with the Redevelopment Agency at the hour of 8:45 a.m. in the Council Chambers, City Hall, on the day above written.

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|----------|---------------|--------------------------|
| Present: | Tom Boyajian | Councilmember |
| | Brian Calhoun | Councilmember |
| | Brad Castillo | Councilmember |
| | Jerry Duncan | Councilmember |
| | Sal Quintero | Councilmember |
| | Dan Ronquillo | Acting Council President |
| | Henry Perea | Council President |

Dan Hobbs, City Manager
Dan Fitzpatrick, Agency Executive Director
Hilda Cantu Montoy, City Attorney
Rebecca Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

(8:45 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

UNSCHEDULED ORAL COMMUNICATIONS

APPEARANCE BY BARBARA HUNT, 944 "F" STREET, REGARDING REVITALIZATION AND 20% HOUSING SET ASIDE FUNDS

Appearance made; no action taken.

("A") JOINT RESOLUTION NO. 01-204/1582 - AUTHORIZING THE CITY MANAGER AND AGENCY DIRECTOR OR DESIGNEES TO NEGOTIATE, PREPARE AND EXECUTE ALL DOCUMENTS, SUBJECT TO CITY ATTORNEY APPROVAL, NECESSARY/DESIRABLE TO FULLY IMPLEMENT THE FEDERAL COURTHOUSE CONVEYANCE AGREEMENT, INCLUDING, WITHOUT LIMITATION, DOCUMENTS CONCERNING INTENT TO PROCESS FURTHER STREET VACATION AND FEDERAL COURTHOUSE CONVEYANCE AGREEMENT AMENDMENTS (COUNCIL AND AGENCY ACTION)

City Clerk Klisch advised a joint resolution was included in the packet for action but was inadvertently left off the agenda listing. Assistant City Attorney Avila reviewed the issue; read into the record language modifying the warranty deed; added, as a non-clarifying substantive amendment to the conveyance agreement, four statements; and noted all requests had been reviewed and were consistent with prior action and direction and recommended approval.

Barbara Hunt, 944 "F" Street, spoke to the issue.

Acting President Ronquillo stated the City/Agency should have required that the courthouse be conveyed to the City in exchange for the \$7 million investment and explained, and brief discussion ensued on placing the existing building on the table with Mr. Avila and City Attorney Montoy responding to questions of President Perea and advising of options.

On motion of Acting President Ronquillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the City Manager and Agency Executive Director, or their designees, authorized to negotiate, prepare and execute any and all documents, subject to City Attorney approval, necessary to fully implement the Federal Courthouse Conveyance Agreement, including, (without limitation) documents concerning intent to process further street vacation and Federal Courthouse Conveyance Agreement amendments, by the following vote:

| | | |
|--------|---|---|
| Ayes | : | Boyajian, Calhoun, Castillo, Perea, Quintero, Ronquillo, Duncan |
| Noes | : | None |
| Absent | : | None |

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The joint bodies adjourned at 9:00 a.m. and the City Council convened in regular session at 9:01 a.m.

Councilmember Quintero gave the invocation, Terry McCoy sang “The Star Spangled Banner”, and Central Unified Superintendent Keledjian led the Pledge of Allegiance to the Flag.

PROCLAMATION OF “GEORGE KELEDJIAN DAY”

PROCLAMATION OF “CALIFORNIA STATE UNIVERSITY SUMMER ARTS MONTH”

PROCLAMATION OF “RUMBLE TO THE SUMMIT DAY” - PRESIDENT PEREA

The above proclamations were read and presented.

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RESOLUTION NO. 01-205 - IN SUPPORT OF THE DEVELOPMENT OF A FRESNO VETERANS HOME, AS AMENDED - COUNCILMEMBER QUINTERO

George Sinopoli, Active Veteran and Chairman of the California Veterans Board, and Al Perry, Director, VA Central California Health Care System, gave an overview of the issue and spoke in support of the City pursuing the conveyance of property on Peach Avenue from the Department of Agriculture to the State of California GSA to construct a veterans home. Councilmember Quintero clarified the facility would be a rest home, not a hospital, and added competition was intense.

Upon question of Councilmember Calhoun, City Attorney Montoy advised the language of the resolution before Council was not totally in conformance with the request just made and recommended the resolution be amended to reflect testimony. Brief discussion ensued on the timeline and funding and Council spoke in support of the issue and commended Mr. Sinopoli and Mr. Perry for all their efforts. City Manager Hobbs advised the new economic development coordinator would meet with the Veterans group.

On motion of Councilmember Quintero, seconded by President Perea, duly carried, RESOLVED, the above entitled Resolution No. 01-205 hereby adopted, *as amended*, adding direction to staff to meet with the veterans group relative to pursuing the conveyance of property on Peach Avenue for a veterans home, by the following vote:

| | | |
|--------|---|---|
| Ayes | : | Boyajian, Calhoun, Castillo, Perea, Quintero, Ronquillo, Duncan |
| Noes | : | None |
| Absent | : | None |

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APPROVE MINUTES OF JUNE 19, 2001

On motion of Councilmember Calhoun, seconded by Acting President Ronquillo, duly carried, RESOLVED, the minutes of June 26, 2001, approved as submitted.

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APPROVE AGENDA:

(11:30 A.M.) ACCEPT REPORT AND CORRESPONDENCE FOR THE STATE GENERAL SERVICES ADMINISTRATION REGARDING THE FIFTH DISTRICT COURT OF APPEAL SITE LOCATION AT EATON PLAZA AND DISCUSS AND GIVE DIRECTION TO STAFF REGARDING NEGOTIATIONS - COUNCILMEMBER DUNCAN

and

(3:00 P.M.) PUBLIC TESTIMONY REGARDING THE PROPOSED LOCATION OF THE FIFTH DISTRICT COURT OF APPEAL ON EATON PLAZA AND OTHER ALTERNATIVE SITES, AND PROVIDE DIRECTION TO STAFF RELATIVE TO TESTIMONY - ACTING PRESIDENT RONQUILLO

(2 - 0) A motion and second was made to move the **11:30 a.m.** item in conjunction with the 3:00 p.m. item and brief discussion ensued on the need to check with Judge Ardaiz first on the time change and on hearing the issues at the scheduled times.

By Council consensus, action on the matter was delayed to call Judge Ardaiz.

(2A) DISCUSSION AND DIRECTION ON THE INNER CITY FEE REDUCTION PROGRAM BOUNDARIES *(AND REQUEST BY BRENDA BALDWIN TO WAIVE CHILD DAY CARE FEES)*

Set for 2:30 p.m. this date.

(3:30 P.M.) CONSIDER APPLICATIONS FOR GRANTING OF HARDSHIP EXCEPTION TO INTERIM CONTROL ORDINANCE NO. 01-36 PLACING A TEMPORARY MORATORIUM ON APPROVAL OF LAND ENTITLEMENTS FOR AUTOMOBILE DEALERSHIPS

1. K. RANU AND S. DHANJAN, SSD AUTO CONNECTION, 2627 N. BLACKSTONE
2. NASER SALEM, 2320 N. BLACKSTONE
3. MERCEDES BENZ OF NORTH AMERICA, 7077 N. PALM AVENUE
4. JERRY DANSBY, RIGHTWAY SALES, 3524 W. GETTYSBURG AVENUE

5. IGNACIO AND LETICIA GARIBAY, EL BUKI AUTO SALES, 1636 AND 1640 S. ORANGE AVENUE
6. ANITA REYNOLDS, 3752 E. BELMONT AVENUE
7. AFARIN KARIMKHAZAN, 7330 N. BLACKSTONE AVENUE #101

City Clerk Klisch advised Applicant #1 had requested their case be removed from the agenda as it had been resolved. Development Director Yovino directed #1 be left on and advised #2 would probably be removed. Councilmember Duncan briefly left the meeting at 9:45 a.m. Councilmember Boyajian questioned if some of the businesses were currently operating with Mr. Yovino responding, whereupon City Attorney Montoy advised Council to reserve comments until 3:30 p.m.

On motion of Councilmember Quintero, seconded by Acting President Ronquillo, duly carried, RESOLVED, the **AGENDA** hereby approved, with the exception of the **11:30 a.m. item**, by the following vote:

| | | |
|--------|---|---|
| Ayes | : | Boyajian, Calhoun, Castillo, Quintero, Ronquillo, Perea |
| Noes | : | None |
| Absent | : | Duncan |

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CONSIDER CONSENT CALENDAR:

Councilmember Duncan returned to the meeting at 9:49 a.m.

(1A-14) RESOLUTION - APPROVING THE FINAL MAP OF TRACT NO. 4995, PROPERTY LOCATED ON THE WEST SIDE OF N. ARMSTRONG AVENUE NORTH OF E. KINGS CANYON AVENUE, AND ACCEPTING DEDICATED PUBLIC USES THEREIN

Rescheduled for July 17, 2001, at 10:45 a.m. at the direction of Councilmember Quintero.

ADOPT CONSENT CALENDAR:

(1A-2) APPROVE THE ACQUISITION OF AN 8,700 SQUARE FOOT PARCEL FOR EXPANSION OF PUMP STATION 101, E. CLINTON AVENUE, FROM CLINTON-FOWLER INDUSTRIAL PARK, LLC FOR \$52,305, (INCLUDING \$11,305 FOR CONSTRUCTION OF REQUIRED DEVELOPMENT IMPROVEMENTS); AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO SIGN ALL DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTION ON BEHALF OF THE CITY

(1A-5) APPROVE EXTENSION OF TEMPORARY USE PERMIT ISSUED TO NOVA ELECTRIC, INC. FOR USE OF PREMISES AT FRESNO YOSEMITE INTERNATIONAL AIRPORT; AND AUTHORIZE THE DIRECTOR OF TRANSPORTATION TO EXECUTE ANY DOCUMENTS NECESSARY TO EFFECTUATE SAID EXTENSION

(1A-6) APPROVE LEASE AND AGREEMENT WITH SKYWEST AIRLINES, INC., FOR BAY 4 OF THE AIR CARGO BUILDING AT FRESNO YOSEMITE INTERNATIONAL AIRPORT; AND AUTHORIZE THE DIRECTOR OF TRANSPORTATION TO EXECUTE ON BEHALF OF THE CITY THE SUBJECT LEASE AND AGREEMENT

(1A-7) APPROVE AMENDMENT NO. 1 TO THE LEASE AND CONCESSION AGREEMENT DATED APRIL 1, 1995, WITH NICHOLAS J. PALOMARES (AIRPORT BARBERSHOP) EXTENDING THE TERM OF THE AGREEMENT TO MARCH 31, 2005

(1A-8) APPROVE EXTENSION OF TEMPORARY USE PERMIT ISSUED BY THE CITY TO GARY WARNER TO OCCUPY AND USE TWO LOCATIONS AT FRESNO YOSEMITE INTERNATIONAL AIRPORT/FRESNO AIR TERMINAL FOR PHONE CARD DISPENSING UNITS, AND AUTHORIZE THE DIRECTOR OF TRANSPORTATION TO EXECUTE SAME ON BEHALF OF THE CITY

(1A-15) **RESOLUTION NO. 01-206** - RENEWING AN AGREEMENT WITH THE STATE OF CALIFORNIA COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING (POST) FOR THE PRESENTATION OF BASIC MOTORCYCLE TRAINING BY THE POLICE DEPARTMENT ON BEHALF OF POST; AND AUTHORIZE THE POLICE CHIEF TO ENTER INTO AND EXECUTE ANY EXTENSIONS, AMENDMENTS OR SUBSEQUENT AGREEMENTS IN RELATION THERETO PROVIDED APPROPRIATIONS HAVE BEEN MADE BY COUNCIL AND THE STATE OF CALIFORNIA CONTINUES TO REIMBURSE THE CITY FOR IT'S SERVICES

On motion of Councilmember Castillo, seconded by Councilmember Calhoun, duly carried, **RESOLVED**, the above entitled **CONSENT CALENDAR** hereby approved, by the following vote:

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|--------|---|---|
| Ayes | : | Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea |
| Noes | : | None |
| Absent | : | None |

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(11:30 A.M.) ACCEPT REPORT AND CORRESPONDENCE FROM THE STATE GENERAL SERVICES ADMINISTRATION (GSA) REGARDING THE FIFTH DISTRICT COURT OF APPEAL SITE LOCATION AT EATON PLAZA AND DISCUSS AND GIVE DIRECTION TO STAFF REGARDING NEGOTIATIONS - COUNCILMEMBER DUNCAN

Councilmember Duncan advised Judge Ardaiz would be able to be present at 3:00 p.m. and by Council consensus, the 11:30 a.m. item was moved to be heard in conjunction with the 3:00 p.m item.

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(9:50 A.M.) APPEARANCE BY ROGER HANKE TO THANK COUNCIL FOR IMPROVEMENTS ON BELMONT AVENUE

Appearance made.

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(5A) DIRECT CITY ATTORNEY TO PROVIDE A REPORT ON OPTIONS AVAILABLE TO THE CITY TO DEAL WITH PROBLEMS ASSOCIATED WITH CARS/VEHICLES DISPLAYED "FOR SALE" ON VACANT LOTS AND PUBLIC STREETS - COUNCILMEMBER DUNCAN

Acting President Ronquillo briefly left the meeting at 9:56 a.m. Councilmember Duncan reviewed the issue stating the problem was significant in his district and was a threat to health and safety, and made a motion to direct the city attorney as outlined, which motion was seconded and acted upon after brief discussion.

Speaking to the issue were: Roger Hanke, 4736 E. Belmont; and Barbara Hunt, 944 “F” Street.

Brief discussion ensued with City Attorney Montoy responding to questions of Councilmember Boyajian relative to whether the cars were already in violation of the code, and with Councilmember Calhoun and President Perea speaking in support of the issue.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, the city attorney directed to provide a report on options available to the City to deal with problems associated with cars/vehicles displayed “for sale” on vacant lots and public streets, by the following vote:

| | | |
|--------|---|--|
| Ayes | : | Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea |
| Noes | : | None |
| Absent | : | Ronquillo |

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(10:00 A.M.) HEARING TO CONSIDER PROPOSED ANNUAL ASSESSMENTS FOR LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 1

1. RESOLUTION NO. 01-207 - APPROVING THE ENGINEER’S REPORT AND LEVYING ANNUAL ASSESSMENTS FOR LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 1

President Perea announced the time had arrived to consider the issue and opened the hearing. City Engineer Salazar briefly reviewed the issue as contained in the staff report, recommended approval, and responded to questions and/or concerns of Councilmember Calhoun relative to the process, lack of attention to landscaping by parks and recreation, and an annexed county area without street lights. Acting President Ronquillo returned to the meeting at 10:10 a.m.

Upon call, no one wished to be heard and President Perea closed the hearing.

On motion of Councilmember Calhoun, seconded by Councilmember Castillo duly carried, RESOLVED, the above entitled Resolution No. 01-207 hereby adopted, by the following vote:

| | | |
|--------|---|---|
| Ayes | : | Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea |
| Noes | : | None |
| Absent | : | None |

- - - -

(10:10 A.M.) RESOLUTION NO. 01-208 - SUPPORTING AB 1008 (LOWENTHAL), THE GRANTS FOR RAMPS BILL, WHICH ESTABLISHES A SMALL PILOT PROGRAM TO PROVIDE GRANTS FOR LOW-INCOME TENANTS WITH MOBILE DISABILITIES WHO NEED RAMPS AND OTHER EXTERIOR ACCESSIBILITY MODIFICATIONS THEY ARE UNABLE TO AFFORD - COUNCILMEMBER CASTILLO

Reviewed by Councilmember Castillo who requested Council's support stating this would show the city was committed to helping citizens with disabilities, and made a motion to adopt the resolution, which motion was seconded and acted upon after discussion.

Speaking in support were: Marilyn Jost; Dr. Ed Eames, on behalf of the ADA Advisory Committee; and Barbara Hunt, 944 "F" Street.

Councilmember Castillo responded briefly to questions of Councilmember Boyajian relative to the grant and assistance in drafting the application. Councilmember Calhoun briefly left the meeting at 10:20 a.m.

On motion of Councilmember Castillo, seconded by Acting President Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 01-208 hereby adopted, by the following vote:

| | | |
|--------|---|--|
| Ayes | : | Boyajian, Castillo, Duncan, Quintero, Ronquillo, Perea |
| Noes | : | None |
| Absent | : | Calhoun |

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(9:45 A.M.) APPEARANCE BY ORVILLE CALDWELL TO DISCUSS POSSIBLE WATER SHORTAGE IN THE NEAR FUTURE

Appearance made **(3 - 0)**; no action taken. Councilmember Calhoun returned to the meeting at 10:26 a.m.

Barbara Hunt, 944 "F" Street, spoke to the issue.

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(10:15 A.M.) HEARING ON PLAN AMENDMENT NO. A-01-05, REZONE APPLICATION NO. R-01-08, AND RELATED ENVIRONMENTAL ASSESSMENT, FILED BY JAMES LOGAN AND ASSOCIATES ON BEHALF OF DERREL'S MINI STORAGE, INC., PROPERTY LOCATED ON THE SOUTH SIDE OF E. NEES BETWEEN N. CEDAR AND N. MILLBROOK AVENUES (*LOCATED IN COUNCIL DISTRICT 6*)

1. CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT NO. A-01-05, R-01-08, C-01-36, DATED MAY 10, 2001

2. RESOLUTION NO. 01-209 - AMENDING THE WOODWARD PARK COMMUNITY PLAN

3. BILL NO. B-57 - ORDINANCE NO. 01-52 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-5/UGM TO S-L/UGM

President Perea announced the time had arrived to consider the issue and opened the hearing. Councilmember Duncan complimented the applicant, advised the proposed project went before the Northeast Implementation Committee and there was no opposition, and made a motion to approve staff's recommendation.

Monte Montemagni, Logan & Associates, 1396 W. Herndon #103, representing the applicant, gave an overview of the project and requested Council's support **(3A)**.

Planning Manager Haro responded briefly to questions of Councilmember Castillo relative to setbacks and proximity to residential.

Upon call, no one else wished to be heard and President Perea closed the hearing.

On motion of Councilmember Duncan, seconded by Acting President Ronquillo, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration for Environmental Assessment No. A-01-05, R-01-08, C-01-036, dated May 10, 2001 hereby approved; the above entitled Resolution No. 01-209 adopted, and the above entitled Bill No. B-57 adopted as Ordinance No. 01-52, by the following vote:

| | | |
|--------|---|---|
| Ayes | : | Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea |
| Noes | : | None |
| Absent | : | None |

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(10:30 A.M.) HEARING ON PLAN AMENDMENT NO. A-01-09, REZONE APPLICATION NO. R-01-10, AND MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT, FILED BY CENTEX HOMES, PROPERTY LOCATED AT THE NORTHEAST CORNER OF N. CHESTNUT/SOMERVILLE AND E. PRYOR AVENUES (LOCATED IN COUNCIL DISTRICT 6)

1. CONSIDER AND ADOPT MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. A-01-09, R-01-10, DATED MAY 11, 2001

2. RESOLUTION NO. 01-210 - AMENDING THE WOODWARD PARK COMMUNITY PLAN

3. BILL NO. B-58 - ORDINANCE NO. 01-53 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FORM AE-20/UGM TO R-1/UGM

President Perea announced the time had arrived to consider the issue and opened the hearing. Councilmember Duncan advised the project had gone through the process with a careful review by the Northeast Implementation Committee and made a motion to approve staff's recommendation, which was seconded and later acted upon.

Les Petersen, Dunkel Engineering, representing the applicant, stated he was in agreement with staff's recommendation and requested Council's approval.

Upon call, no one else wished to be heard and President Perea closed the hearing. Acting President Ronquillo left at 10:42 a.m. and returned later in the meeting.

Lengthy discussion ensued with Planning Manager Haro responding to questions, concerns and/or comments of Councilmembers Castillo, Boyajian and President Perea relative to cost for the proposed water surface treatment plant, public utilities projections, if businesses would be able to draw from the water, Caltrans' request for a traffic analysis and timeline for the study (with Councilmember Castillo expressing concern the study might never happen), why nexus studies were not conducted prior to projects coming forth, postponing action until an answer was provided by public works staff on the study timeline, the need for traffic studies on every land use issue and small projects as well as large projects, how the proposed densities coincided with the general plan strategy of accommodating 300,000 more people within the existing sphere, being two years behind schedule on the treatment plant, the northeast police substation including amount of fees collected and timeline, and the need to conduct studies and deal with water, traffic and the substation issues.

On motion of Councilmember Duncan, seconded by Acting President Ronquillo, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration for Environmental Assessment No. A-01-09, R-01-10, dated May 11, 2001, hereby approved; the above entitled Resolution No. 01-210 adopted, and the above entitled Bill No. B-58 adopted as Ordinance No. 01-53, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Quintero, Perea
Noes : Castillo,
Absent : Ronquillo

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(10:45 A.M.) HEARING ON PLAN AMENDMENT NO. A-01-17, R-01-19, AND RELATED ENVIRONMENTAL FINDINGS FILED BY GRANVILLE HOMES, PROPERTY LOCATED ON THE NORTHEAST CORNER OF N. CHESTNUT AND E. NEES AVENUES (*LOCATED IN COUNCIL DISTRICT 6*)

1. RESOLUTION NO. 01-211 - AMENDING A CONDITION OF PREVIOUS PLAN AMENDMENT APPLICATION NO. A-01-17 TO PERFECT PREVIOUSLY APPROVED NEIGHBORHOOD COMMERCIAL AND MEDIUM HIGH DENSITY RESIDENTIAL LAND USES WITHIN THE WOODWARD PARK COMMUNITY PLAN

2. BILL NO. B-59 - ORDINANCE NO. 01-54 - AMENDING A CONDITION OF PREVIOUS REZONING APPLICATION NO. R-92-45 TO PERMIT R-2/UGM AND C-1/UGM ZONING PRIOR TO THE ADOPTION OF THE GENERAL PLAN UPDATE

President Perea announced the time had arrived to consider the issue and opened the hearing. Councilmember Duncan gave a brief overview, advised the Northeast Implementation Committee and Planning Commission reviewed the project and were in support, and made a motion to approve staff's recommendation. Planner Braun reviewed the issue as contained in the staff report and recommended approval. Acting President Ronquillo returned to the meeting at 11:01 a.m.

Jeff Roberts, 1396 W. Herndon, representing Granville Homes, stated he concurred with staff's recommendation and requested Council approval.

Upon call, no one else wished to be heard and President Perea closed the hearing.

On motion of Councilmember Duncan, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Resolution No. 01-211 approving Plan Amendment A-01-17 proposing to change the effective date of previously approved Plan Amendment No. A-92-17 (which amended the subject site on the Woodward Park Community Plan from the elementary school to the neighborhood commercial and medium-high density residential plan designations) thereby allowing this amendment to become effective prior to council adoption of the General Plan Update hereby adopted; and the above entitled Bill No. B-59 changing the effective date of previously approved R-92-45 (which rezoned the site from AE-20/UGM to C-1/UGM and R-2/UGM) thereby allowing this rezoning to become effective prior to council adoption of the General Plan Update adopted as Ordinance No. 01-54, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes : None
Absent : None

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(11:00 A.M. #1) HEARING TO CONSIDER FIRST AMENDMENT TO DEVELOPMENT AGREEMENT BETWEEN ZACKY FARMS AND THE CITY OF FRESNO RELATED TO THE MODIFICATIONS TO THE ORIGINAL TERMS TO ALLOW FOR THE TRANSFER OF THE BELGRAVIA SITE TO FOSTER FARMS, INC.

1. BILL NO. B-60 - APPROVE AMENDMENT NO. 1 TO THE DEVELOPMENT AGREEMENT BETWEEN THE CITY AND ZACKY FARMS, INC., AND OTHERS, RELATING TO A PROPOSED TRANSFER OF THE BELGRAVIA CHICKEN PLANT AND FACILITIES TO FOSTER FARMS, INC.

President Perea announced the time had arrived to consider the issue and opened the hearing. Acting President Ronquillo gave a brief overview of the issue, spoke in support of the transfer, and made a motion to introduce the ordinance bill, which was seconded and later acted upon. Planning Manager Beach reviewed the issue and staff report as submitted and recommended approval.

Barbara Hunt, 944 “F” Street, spoke in opposition.

Upon call, no one else wished to be heard and President Perea closed the public hearing.

Lengthy discussion ensued with Assistant City Manager Souza, City Attorney Montoy, Deputy City Attorney Smith, and Richard Zacky, Zacky Farms, responding to questions of Councilmember Castillo, President Perea and Councilmember Calhoun and/or clarifying issues relative to purpose of the 10-year contract, existence of spreadsheets, other partners in the contract, responsible party for the \$10 million commitment with the language amendment, documentation on the \$5 million in improvements, if the spreadsheets have been made available to the Macias Group, if the city attorney’s office had reviewed the matter, the Hart-Scott-Rodino Act, benefits and burdens being carried forward and there being no forgiveness of the investment requirement, Zacky’s investment being \$7 million and not \$5 million, Zacky’s burden and performance criteria staying intact, **(4 - 0)** directing the acting controller to review the documents and provide a recommendation, President Perea requesting a copy of the economic development policy and program, and the need to re-visit economic development/incentive contracts in general in the future.

On motion of Acting President Ronquillo, seconded by Councilmember Duncan, duly carried, RESOLVED, the above Bill No. B-60 introduced before the Council and laid over, by the following vote:

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| Ayes | : | Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea |
| Noes | : | None |
| Absent | : | None |

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(11:00 A.M. #2) TEFRA HEARING PURSUANT TO THE TAX EQUITY AND FISCAL RESPONSIBILITY ACT (TEFRA) OF 1982 REGARDING THE PROPOSED ISSUANCE OF TAX-EXEMPT SECURITIES ON BEHALF OF THE COMMUNITY HOSPITALS OF CENTRAL CALIFORNIA OBLIGATED GROUP
1. RESOLUTION NO. 01-212 - APPROVE A CERTIFICATE OF PARTICIPATION FINANCING FOR THE COMMUNITY HOSPITALS OF CENTRAL CALIFORNIA OBLIGATED GROUP TO FUND A CAPITAL EXPANSION PROGRAM

President Perea announced the time had arrived to consider the issue and opened the hearing. Councilmember Calhoun recused himself from the proceedings due to a potential conflict of interest and left the meeting at 11:26 a.m. Upon question of Acting President Ronquillo, Interim Controller Carlton stated the City would not be financially obligated in any way. A motion and second was made to approve the resolution.

Barbara Hunt, 944 “F” Street, spoke in opposition.

Upon call, no one else wished to be heard and President Perea closed the hearing.

On motion of Acting President Ronquillo, seconded by Councilmember Castillo, duly carried, RESOLVED, the above entitled Resolution No. 01-212 authorizing the financing for the benefit of the CHCC Obligated Group to fund the Capital Expansion Program hereby adopted, by the following vote:

| | | |
|------------------|---|--|
| Ayes | : | Boyajian, Castillo, Duncan, Quintero, Ronquillo, Perea |
| Noes | : | None |
| Absent (Recused) | : | Calhoun |

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(11:15 A.M.) HEARING TO CONSIDER AN APPEAL OF THE DEVELOPMENT DEPARTMENT’S APPROVAL OF CONDITIONAL USE PERMIT (CUP) APPLICATION NO. C-01-023, FILED BY GRANUM PARTNERS, TO AUTHORIZE THE CONSTRUCTION OF A THREE STORY OFFICE BUILDING AT 8 EAST RIVER PARK PLACE EAST - COUNCILMEMBER DUNCAN

1. RESOLUTION NO. 01-213 - APPROVE CUP NO. C-01-123 FOR A THREE-STORY OFFICE BUILDING, AS AMENDED

President Perea announced the time had arrived to consider the issue and opened the hearing. Councilmember Calhoun returned to the meeting at 11:30 a.m. Councilmember Duncan gave a brief overview and advised at issue was a request by the River Park Business Owners Association (RPBOA) to the applicant to provide higher standard landscaping.

Michelle Kaus, on behalf of the RPHOA and the ownership interest of Park 41, submitted written material to Council, requested the CUP be denied stating there was non-compliance and explained, and requested, if the project were to be approved, that it be approved with a condition for stricter and higher landscaping to match that on other properties fronting the driveway.

Attorney Bob Hillison, 5200 N. Palm, Caswell, Bell and Hillison, representing Granum Partners, advised he supported staff’s recommendation and requested the appeal be denied and the CUP approved, and stated the applicant was in compliance and explained.

Barbara Hunt, 944 “F” Street, spoke in support of the CUP.

Upon call, no one else wished to be heard and President Perea closed the public hearing.

Councilmember Castillo presented questions relative to whether a study had been conducted on traffic impacts to Freeway 41/Friant and the subject area, with Planning Manager Beach responding and displaying a map to illustrate. Councilmember Castillo concurred the City should not get caught up in private party/CC&R litigation but added if the City did have any jurisdiction he supported uniform landscaping

Councilmember Duncan made a motion to approve the CUP subject to the landscaping matching the quality, intensity, and type of landscaping of the River Park Properties project, which motion was seconded by Acting President Ronquillo (who subsequently withdrew his second).

Councilmember Boyajian questioned if Council could place conditions of approval on a project when requirements had already been complied with, with City Attorney Montoy responding and cautioning Council to be careful to not tie approval of the CUP to existing litigation between private parties and recommended the dispute be deferred to the courts. Councilmembers Boyajian and Calhoun concurred with the city attorney and Mr. Beach and Ms. Montoy responded to questions of Councilmembers Boyajian and Ronquillo relative to whether an EIR had been conducted on the different phases, improvements made by each phase, impacts and accumulative effects, if the motion on the floor was contrary to the city attorney’s comments, and what the code mandated on landscaping and what the appellant was requesting for the private drive, whereupon Acting President Ronquillo withdrew his second to Councilmember Duncan’s motion.

President Perea stated the project appeared to be a very well mastered plan and questioned if there was any value in delaying action to allow the parties time to resolve issues, with Ms. Montoy and the two representatives responding. Councilmember Calhoun reminded Council there was an issue in litigation and stated he was uncomfortable and strongly opposed to staff trying to mediate between two parties and urged Council to take action this date and oppose the motion. President Perea made a motion to delay the matter 30 days. Ms. Montoy advised both parties had to agree to the delay or the Planning Commission’s action would become final and the CUP granted, whereupon President Perea seconded Councilmember Duncan’s motion. Brief discussion ensued with Ms. Montoy and Mr. Beach responding to questions, comments and/or concerns of Councilmembers Ronquillo, Castillo and Calhoun relative to the process, options available to Council, the city’s standard landscape requirements versus the appellants’ requirements, if Council would have authority to deny the CUP upon receipt of a final draft, and dictating standards desired by someone **(5 - 0)**. Councilmember Boyajian stated the motion, if approved, would “open up a can of worms” as the owners were complying.

On motion of Councilmember Duncan, seconded by President Perea, duly carried, RESOLVED, the Negative Declaration for Environmental Assessment No. C-01-123, dated February 20, 2001, hereby approved; the appeal denied; and the above entitled Resolution No. 01-213 approving Conditional Use Permit Application No. C-01-023 hereby adopted, *as amended*, approving the CUP subject to Granum Partners’ landscaping matching the quality, intensity, and type of landscaping of the River Park Properties project, by the following vote:

| | | |
|--------|---|------------------------------------|
| Ayes | : | Duncan, Quintero, Ronquillo, Perea |
| Noes | : | Boyajian, Calhoun, Castillo |
| Absent | : | None |

- - - -

LUNCH RECESS - 12:11 P.M. - 2:03 P.M.

(2:00 P.M.) CONTESTED CONSENT CALENDAR ITEMS:

(1A-4) APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH JOHNSON ARCHITECTURE FOR THE DESIGN OF PLANS AND CONSTRUCTION DOCUMENTS FOR THE RENOVATION OF THE SANTA FE DEPOT

Councilmember Calhoun noted public works was applying for a \$15,000 grant to look at intermodal parking at the Depot when remodeled, stated he hoped Council would look long term and remain committed to consolidation and high speed rail and that property near the tracks not be sold off, and made a motion to approve the agreement.

Acting President Ronquillo commented on the benefits of rehabilitating the old building and the need for a warehouse row, and along with Councilmember Boyajian presented questions relative to the renovation timeline, ownership of property by the railroad, and possibility of providing green space in the area. Councilmember Quintero briefly left the meeting at 2:09 p.m.

On motion of Councilmember Calhoun, seconded by Acting President Ronquillo, duly carried, RESOLVED, a professional services agreement with Johnson Architecture for the design of plans and construction documents for the renovation of the Santa Fe Depot hereby approved; and the City Manager authorized to sign the agreement on behalf of the City, by the following vote:

| | | |
|--------|---|---|
| Ayes | : | Boyajian, Calhoun, Castillo, Duncan, Ronquillo, Perea |
| Noes | : | None |
| Absent | : | Quintero |

(1A-1) APPROVE A JOINT AGREEMENT BETWEEN THE CITY AND COUNTY OF FRESNO FOR JOINT PAVING PROJECT ON PALM SOUTH OF SHAW, AND FOWLER BETWEEN SR 180 AND HEATON AVENUE

Upon question of Councilmember Castillo, City Engineer Salazar clarified the subject locations. Councilmember Quintero returned to the meeting at 2:11 p.m.

On motion of Councilmember Castillo, seconded by Councilmember Calhoun, duly carried, RESOLVED, the joint agreement between the City and Fresno County for a joint paving project on Palm Avenue south of Shaw and on Fowler between SR 180 and Heaton Avenue hereby approved, the Public Works Director authorized to sign the agreement; and the expenditure of funds in amounts equal to the agreement price of \$24,000 authorized, by the following vote:

| | | |
|--------|---|---|
| Ayes | : | Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea |
| Noes | : | None |
| Absent | : | None |

(1A-3) RESOLUTION NO. 01-214 - INTENT TO ANNEX TRACT NO. 4646 AND 5018 TO THE CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 2, ANNEXATION NO. 28; AND SETTING THE PUBLIC HEARING FOR JULY 31, 2001, AT 10:00 A.M.

City Engineer Salazar responded to questions of Councilmember Castillo relative to the tax levy process, fiscal impacts, landscaping responsibility, and the funding mechanism and process.

On motion of Councilmember Castillo, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 01-214 hereby adopted, by the following vote:

| | | |
|--------|---|---|
| Ayes | : | Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea |
| Noes | : | None |
| Absent | : | None |

(1A-9) * RESOLUTION - 151st AMENDMENT TO AAR 00-183 APPROPRIATING THE REMAINING AVAILABLE “COPS MORE 95/95” GRANT BALANCE OF \$312,900 TO THE POLICE DEPARTMENT FIELD AUTOMATION PROGRAM

Upon question of Councilmember Calhoun, Chief Winchester advised it was recently learned the grant had been extended and there was no need for Council to take action this date, requested the matter be removed from the agenda and advised staff would bring it back later to appropriate the funds into the FY 02 budget, and upon further question of Councilmember Calhoun explained why the funds had not been appropriated in FY 01. The matter was removed from the agenda and there was no further discussion.

(1A-10) * RESOLUTION NO. 01-215 - 158th AMENDMENT TO AAR 00-183 TRANSFERRING \$400,000 FROM CONTINGENCY TO EXPENDITURE ACCOUNTS TO PAY FOR POLICE DEPARTMENT CONTRACT SERVICE OVERTIME

Chief Winchester responded to questions of Councilmember Castillo relative to how the contract policing service worked, the funding process, and recovering actual costs.

On motion of Councilmember Castillo, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 01-215 hereby adopted, by the following vote:

| | | |
|--------|---|---|
| Ayes | : | Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea |
| Noes | : | None |
| Absent | : | None |

(1A-11) APPROVE A PROFESSIONAL ARCHITECTURAL SERVICES AGREEMENT WITH DALE RUTHERFORD, AIA, FOR DESIGN OF FAR PART 150 NOISE COMPATIBILITY PROGRAM HOMES FOR FRESNO YOSEMITE INTERNATIONAL AIRPORT UNDER FAA AIR GRANT NO 3-06-0087-27, SMART PROGRAM PHASE 6 BID GROUP 10, SUBJECT TO FINAL APPROVAL BY THE FAA
and

(1A-12) APPROVE A PROFESSIONAL ACOUSTICAL ENGINEERING SERVICES AGREEMENT WITH WYLE LABORATORIES, INC., FOR DESIGN OF FAR PART 150 NOISE COMPATIBILITY PROGRAM HOMES FOR THE FRESNO YOSEMITE INTERNATIONAL AIRPORT UNDER FAA AIP GRANT NO. 3-06-0087-27 PHASE 6 BID GROUP 10

Airports Director Hayes and Assistant City Manager Souza responded to questions of Councilmember Castillo and President Perea and/or clarified issues relative to why additional architects needed to be hired when the same services were previously performed on other homes, FAA requirements to obtain funding, if sound-proofing actually reduced noise and if feedback was ever received from residents, the FAA requirement relative to architects, amount of funding received, and DBE commitment and lack of participation. Mr. Souza recommended Council approve the agreements subject to receiving the completed DBE form.

On motion of Councilmember Castillo, seconded by Councilmember Quintero, duly carried, RESOLVED, relative to Item **1A-11**: a professional architectural services agreement hereby approved with Dale Rutherford, AIA, for design of FAR Part 150 Noise Compatibility Program Homes for Fresno Yosemite International Airport, subject to final approval by the FAA and receipt of completed Disadvantaged Business Enterprise (DBE) forms; and the Public Works Director and Director of Transportation authorized to sign the agreement on behalf of the City; and relative to Item **1A-12**: a professional acoustical engineering services agreement hereby approved with Wyle Laboratories, Inc., for design of FAR Part 150 Noise Compatibility Program Homes for the Fresno Yosemite International Airport, subject to receipt of completed Disadvantaged Business Enterprise (DBE) forms; and the Public Works Director and Director of Transportation authorized to sign the agreement on behalf of the City, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes : None
Absent : None

(1A-13) * RESOLUTION NO. 01-216 - ADOPTING AN INVESTMENT POLICY FOR PUBLIC FUNDS FOR FY 2001-2002

Interim Controller Carlton and Assistant City Manager Souza responded to questions of Councilmember Castillo relative to whether a policy was currently in place, who was responsible for monitoring the policy, and if the policy was something Council should have received, with Councilmember Castillo requesting staff have the policy available for the six month budget review.

On motion of Councilmember Castillo, seconded by Councilmember Duncan, duly carried. RESOLVED, the above entitled Resolution No. 01-216 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes : None
Absent : None

- - - -

(2A) - (2:30 P.M.) DISCUSSION AND DIRECTION ON THE INNER CITY FEE REDUCTION PROGRAM BOUNDARIES (AND PRIOR REQUEST BY BRENDA BALDWIN TO WAIVE/REDUCE COMMERCIAL CHILD DAY CARE FEES)

Development Director Yovino noted this issue dealt with the Brenda Baldwin request; advised staff needed more time to look at expanding the boundary and the additional subsidy cost; and relative to Ms. Baldwin's matter advised there might be a way under the provisions of the Master Fee Schedule to look for fee a reduction.

Mr. Yovino and Ms. Baldwin responded to comments and questions of Councilmembers Calhoun and Boyajian relative to whether the program applied to any business, why Pinedale and Highway City received fee reductions for residential only, growth in Pinedale since 1993, the current program applying to both residential and commercial, grant opportunities for situations like Ms. Baldwin's, the need for staff to work creatively with Ms. Baldwin and what staff would try to do to assist her, the City subsidizing the wrong things like urban sprawl and not inner-city businesses **(6 - 0)**, if exceptions/distinctions could be made for Ms. Baldwin, and if Ms. Baldwin supported staff's recommendation. Upon question, City Attorney Montoy advised a motion was not necessary.

By Council consensus, staff to return with alternative FY 02 funding sources for considering an expansion to the Inner City Fee Reduction Program boundary to an area consistent with the CDBG boundary; and staff directed to review, for consideration, the adjustment of commercial day care center entitlement fees for Ms. Baldwin.

- - - -

(3B) APPROVE SELECTION OF PROPOSAL AND AUTHORIZATION FOR STAFF TO NEGOTIATE AND ENTER INTO AIRPORT TRAVEL AGENCY LEASE AND CONCESSION AGREEMENT UNDER THE REQUEST FOR PROPOSAL (RFP) PROCESS, OR, REJECT ALL PROPOSALS

Transportation/Airports Director Hayes briefly reviewed the issue as contained in the staff report.

On motion of Acting President Ronquillo, seconded by Councilmember Castillo, duly carried, RESOLVED, the Director of Transportation authorized to execute the Lease and Concession Agreement with the selected proposer, or, should the highest-ranked proposer decline to enter into said Agreement, with the next highest-ranked proposer, by the following vote:

| | | |
|--------|---|---|
| Ayes | : | Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea |
| Noes | : | None |
| Absent | : | None |

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Acting President Ronquillo briefly left the meeting at 2:56 p.m.

(3A) APPROVE CONTRACT WITH ANCILLARY SERVICES COALITION (ASC) FOR THE WATER AND WASTEWATER DIVISIONS PARTICIPATION IN A LOAD CURTAILMENT PROGRAM

Assistant Public Utilities Director Abramson reviewed the staff report as submitted and recommended staff be authorized to execute a contract if and when state funding comes through.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, a contract with ASC hereby approved allowing the Utilities Director to sign on behalf of the City if and when funds become available, by the following vote:

| | | |
|--------|---|--|
| Ayes | : | Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea |
| Noes | : | None |
| Absent | : | Ronquillo |

- - - -

(3C) RESOLUTION NO. 01-217 - APPROVE THE CITY OF FRESNO PROPOSAL TO THE SAN JOAQUIN RIVER CONSERVANCY TO REQUEST \$578,430 FROM THE WILDLIFE CONSERVATION BOARD TO FUND THE CONSTRUCTION OF THE RIVERSIDE AND ELLIS/THOMASON SECTIONS AND ASSOCIATED IMPROVEMENTS OF THE SAN JOAQUIN RIVER PARKWAY-LEWIS S. EATON TRAIL

Parks and Recreation Director Primavera reviewed the issue as contained in the staff report and responded to questions of President Perea relative to whether any of the funds collected were for the off-road bikers programs. Acting President Ronquillo returned to the meeting at 2:59 p.m. Councilmembers Calhoun and Ronquillo spoke in support of the proposal and thanked everyone for their work. Councilmember Castillo stated he sat on the Conservation Board and noted this would show the community's support, and thanked Council for their support.

On motion of Councilmember Castillo, seconded by Acting President Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 01-217 hereby adopted, and the Parks and Recreation Director or his designee appointed as agency of the City for the grant project, by the following vote:

| | | |
|--------|---|---|
| Ayes | : | Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea |
| Noes | : | None |
| Absent | : | None |

- - - -

(11:30 A.M.) ACCEPT REPORT AND CORRESPONDENCE FROM THE STATE GENERAL SERVICES ADMINISTRATION REGARDING THE FIFTH DISTRICT COURT OF APPEAL SITE LOCATION AT EATON PLAZA AND DISCUSS AND GIVE DIRECTION TO STAFF REGARDING NEGOTIATIONS - COUNCILMEMBER DUNCAN

and

(3:00 P.M.) PUBLIC TESTIMONY REGARDING THE PROPOSED LOCATION OF THE FIFTH DISTRICT COURT OF APPEAL ON EATON PLAZA AND OTHER ALTERNATIVE SITES, AND PROVIDE DIRECTION TO STAFF RELATIVE TO TESTIMONY - ACTING PRESIDENT RONQUILLO

Councilmember Duncan reviewed the background of the issue including Council's prior motion, noted his complete report and supporting documents were included in Council's packet, reviewed key points relative to the site review, green space, parking, and continuance of events and festivals held on the plaza, and made a motion to accept the GSA's report and give direction to staff to complete negotiations on the purchase of the site, which motion was later added to and acted upon.

Acting President Ronquillo noted he voted to consider the Eaton Plaza and other sites and would be taking his name away from that this date as he felt the Eaton site had been the main focus all along and explained, and stated if a vote is taken this date in support of the site it would not be the worst decision made but added it would not be the best one for the future of downtown Fresno.

Reviewing the project and speaking in support of the Eaton site were: Mark Coyne, Project Director, GSA, 2948 Sierra Mills Lane, Sacramento, and Judge Ardaiz, who displayed graphics of different locations of the courthouse on the Eaton site.

Acting President Ronquillo stated his concerns were the fiscal impact to the City, parking that would be displaced, the permanent loss of a future public parking facility, reduced access to the library and police department, future activities being extremely limited, and obstruction of the water tower; stated he knew the courthouse was an important project and a good one for downtown but stressed Eaton Plaza should not be the only site to consider; and advised of letters from State and community leaders in opposition to the Eaton site. President Perea advised Council also had in their packet a petition containing 600 signatures in opposition.

Speaking in opposition to the Eaton site for the courthouse *and/or to the issue were: Stephen Mensel, 1221 Van Ness #305 (**7 - 0**); Dolores Torres, 1334 E. McKenzie; Len Osborne, 15636 Garlock Lane, Prather; Bob Dwyer, 4781 E. Gettysburg; *Susan Good, representing Senator Costa, 2550 Mariposa #2016, who read a letter into the record from Senator Costa on various issues; Roselyn Clark, Chair, Fulton-Lowell Specific Plan Implementation Committee, 3860 E. Rialto; Paul Wasemiller, 5110 N. Fruit; Robert Dyer, 926 Lakewood Drive; Paul Saito, 2904 N. Blackstone; Anne Goodman, 1296 N. Poplar; Robert Ancheta, 535 E. Gettysburg; Martha Simpson, 2881 E. Huntington Blvd. #116; Bruce Owdom, 718 E. Carmen; Katrina Lloyd-Holly, 7391 N. Sandrini; Mike Lash, 1693 S. Helm; Dallas Debatin, 109 N. Glenn; and John Navarette 1838 E. Shea Drive.

Upon call, no one else wished to be heard and President Perea closed the public testimony.

Mr. Coyne and Judge Ardaiz responded to questions of Councilmember Duncan relative to funding status, if the State would go through all this effort and not fund the project, if the courthouse footprints displayed were to scale, if there was any reason the public would *not* be able to use Eaton Plaza for special events (**8 - 0**), and if there was any legal reason to prevent moving forward with the Eaton site. City Attorney Montoy clarified any action taken this date would not be final and recommended the motion include all legal requirements would be followed and undertaken. Councilmember Duncan emphasized it was important to understand the project would bring more green space and a finished park and that parking issues would be addressed and resolved.

Extensive discussion ensued with Mr. Osborne, Project Manager Freeman, Cliff Tutelian, Redevelopment Administrator Murphey, Judge Ardaiz, Mr. Coyne, Ms. Montoy and Bob Sutton, GSA Chief of Environmental Services, clarifying issues and/or responding to numerous questions and comments of Councilmembers Ronquillo, Quintero, Calhoun, Boyajian and Castillo relative to the three-dimension courthouse graphics displayed and size comparisons with the water tower and library, who created the drawing (with Acting President Ronquillo stating the water tower was out of scale to the courthouse and urged Council to consider that), the proposed courthouse including size and cost, size of the existing courthouse and if it could be expanded at the current site including parking, cost for such an expansion, if Redevelopment staff worked with the court on various sites, who initially proposed the Eaton site (with Councilmember Quintero stating the proposed plaza parking center made sense and he would not be supporting the Eaton site), timeliness/if the court had a critical need to move, the Tulare/N Street parking lot being an excellent site (with Councilmember Calhoun stating a promise was made and he believed in promises and history and would not support the Eaton site), parking issues and if the State would assist in parking, where the proposed parking for the courthouse would be located, if the courthouse project would leave downtown if the Eaton site was not approved, if the State would implement Eaton Plaza as a plaza, the footprints not being disingenuous, (**9 - 0**) pluses and minuses of the project, all questions and concerns being addressed in the CEQA process, the integrity and historic significance of the water tower being considered in the process, other issues CEQA would address including alternative sites, need for green space, and the process hereafter if the motion is approved.

Councilmember Castillo pointed out the site has stood empty and was a parking lot for 30 years emphasizing no interest had been shown until Judge Ardaiz came forward, and stressed moving forward on Eaton site was not a final step and Council would still have the opportunity to stop the project if it did not move in the direction Council wanted. Councilmember Boyajian urged the integrity of the water tower and park space be kept, stated the dignity of the appellant court was “way up there”, and concurred Council could still say “no” if the project did not work out. Councilmember Quintero stated Eaton Plaza was not an option and the city needed to move forward with the creation of the park plaza as proposed. Acting President Ronquillo cautioned Council on language in the motion “to complete negotiations on the purchase of the site”, with Ms. Montoy clarifying this would only be the beginning of the process.

On motion of Councilmember Duncan, seconded by President Perea, duly carried, RESOLVED, the report and correspondence from the State General Services Administration (GSA) regarding the Fifth District Court of Appeal site location at Eaton Plaza hereby accepted; staff directed to complete negotiations on the purchase of the site and specifically include language in the final agreement that the Courthouse parking needs will be addressed in such a way that the City's parking interests are also served; and staff further directed to initiate and proceed with all legal processes, public hearings, necessary land use and redevelopment plan amendments, zone amendments, environmental reviews, street vacations, and necessary due diligence required by law, by the following vote:

| | | |
|--------|---|-----------------------------------|
| Ayes | : | Boyajian, Castillo, Duncan, Perea |
| Noes | : | Calhoun, Quintero, Ronquillo |
| Absent | : | None |

- - - -

(3:30 P.M.) CONSIDER APPLICATIONS FOR GRANTING OF HARDSHIP EXCEPTION TO INTERIM CONTROL ORDINANCE NO. 01-36 WHICH PLACED A TEMPORARY MORATORIUM ON APPROVAL OF LAND ENTITLEMENTS FOR AUTOMOBILE DEALERSHIPS

1. K. RANU AND S. DHANJAN, SSD AUTO CONNECTION, 2627 N. BLACKSTONE
2. NASER SALEM, 2320 N. BLACKSTONE *(REMOVED FROM THE AGENDA)
3. MERCEDES BENZ OF NORTH AMERICA, 7077 N. PALM AVENUE *(REMOVED FROM THE AGENDA)
4. JERRY DANSBY, RIGHTWAY SALES, 3524 W. GETTYSBURG AVENUE
5. IGNACIO GARIBAY AND LETICIA GARIBAY, EL BUKI AUTO SALES, 1636 AND 1640 S. ORANGE AVENUE
6. ANITA REYNOLDS, 3752 E. BELMONT AVENUE
7. AFARIN KARIMKHANZAN, 7330 N. BLACKSTONE AVENUE #101

Planning Manager Beach reviewed the background of the issue and the cases as outlined in the staff report and advised Cases 2 and 3 were being removed from the agenda. Acting President Ronquillo left at 5:33 p.m. and was absent for the remainder of the meeting. Upon question of President Perea, Mr. Beach confirmed by granting any hardship exceptions this date Council would only be granting the applicants the right to go through the process.

Roger Hanke, 4736 E. Belmont **(10 - 0)**, and Troy McKinney, spoke in support of Case #4, Jerry Dansby.

Mr. Beach responded to questions of Councilmember Duncan on various issues related to Cases 1, 5 and 7. Councilmember Duncan made a motion to approve hardship exceptions for Cases 1, 4, 6 and 7, which motion was seconded by Councilmember Boyajian. Councilmember Castillo stated Council needed to step back and look at why direction was given for an interim moratorium -- noting people weren't complying -- and stated he did not see how exceptions could be approved after staff had already talked to the applicants. President Perea requested each case be voted upon separately whereupon Councilmember Boyajian withdrew his second to the motion.

A motion and second was made to approve Case #1.

Mr. Beach, Mr. Garibay, City Attorney Montoy and Deputy City Attorney Slater responded to questions of Councilmembers Quintero and Boyajian and/or clarified issues relative to specifics of Case Nos. 5 and 7, the process, site plans, definition of hardship, attempts to comply, and staff providing guidelines for Council to make decisions.

Case #1 - K. Ranu and S. Dhanjan, SSD Auto Connection, 2627 N. Blackstone Avenue:

President Perea noted a motion and second was on the floor by Councilmembers Duncan and Boyajian to approve Case #1, whereupon Councilmember Boyajian withdrew his second. Upon call, the motion died for lack of a second and the hardship was not granted.

Case #4 - Jerry Dansby, Rightway Sales, 3524 W. Gettysburg Avenue:

A motion of Councilmember Duncan, seconded by Councilmember Boyajian, to grant a hardship exception for Case #4 failed, due to the need for five affirmative votes, by the following vote:

| | | |
|--------|---|-----------------------------------|
| Ayes | : | Boyajian, Duncan, Quintero, Perea |
| Noes | : | Calhoun, Castillo |
| Absent | : | Ronquillo |

Case #5 - Ignacio Garibay and Leticia Garibay, El Buki Auto Sales, 1636 and 1640 S. Orange Avenue:

No motion was made and the exception was not granted.

Case #6 - Anita Reynolds, 3752 E. Belmont Avenue:

On motion of Councilmember Duncan, seconded by Councilmember Boyajian, duly carried, RESOLVED, a hardship exception hereby granted for Case #6, Anita Reynolds, by the following vote:

| | | |
|--------|---|---|
| Ayes | : | Boyajian, Castillo, Duncan, Quintero, Perea |
| Noes | : | Calhoun |
| Absent | : | Ronquillo |

Case #7 - Afarin Karimkhanzan, 7330 N. Blackstone Avenue #101

Councilmember Duncan made a motion to grant the exception. Upon call, the motion died for lack of a second and the hardship exception was not granted.

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(5B) APPROVE MERIT INCREASE FOR CITY ATTORNEY - COUNCIL PRESIDENT PEREA

President Perea advised he and Councilmember Castillo met with City Attorney Montoy to discuss her department's performance including completed goals and use of personnel, and stated he was very satisfied with the department's performance and made a motion to adjust the City Attorney's salary.

On motion of President Perea, seconded by Councilmember Calhoun, duly carried, RESOLVED, the City Attorney's salary to be adjusted equivalent to that of the City Manager, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
 Noes : None
 Absent : Ronquillo

(2:00 P.M. #2) CLOSED SESSION:

(A) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - SIGNIFICANT EXPOSURE TO LITIGATION:

1. JOE A. MASLACH
2. LAURA FERRIS

Not held.

(B) CONFERENCE WITH LABOR NEGOTIATOR - EMPLOYEE ORGANIZATIONS:

1. CITY OF FRESNO MANAGEMENT EMPLOYEES ASSOCIATION (CFMEA)
2. INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL 100 (IBEW)
3. INTERNATIONAL UNION OF OPERATING ENGINEERS, STATIONARY ENGINEERS, LOCAL 39 (LOCAL 39)
4. FRESNO POLICE OFFICERS ASSOCIATION, POLICE MANAGEMENT (FPOA)

Not held.

(C) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAME: CITY OF FRESNO V. CIVIC CENTER SQUARE, INC., ET AL.

The Council met in closed session in Room 2125 at the hour of 6:30 p.m. to consider the above issue and adjourned thereafter.

ADJOURNMENT

There being no further business to bring before the Council, the hour of 6:40 p.m. having arrived and hearing no objections, President Perea declared the meeting adjourned.

APPROVED on the 17TH day of July, 2001.

 Henry Perea, Council President

 ATTEST: Yolanda Salazar, Assistant City Clerk

137-379

6/26/01